

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:18-CV-00029-H-KS

EGLE VAITKUVIENĖ, Individually and on	)	<u>CLASS ACTION</u>
Behalf of All Others Similarly Situated,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
SYNEOS HEALTH, INC. f/k/a INC	)	
RESEARCH HOLDINGS, INC., ALISTAIR	)	
MACDONALD, GREGORY S. RUSH,	)	
MICHAEL A. BELL, ROBERT BRECKON,	)	
DAVID F. BURGSTAHLER, LINDA S.	)	
HARTY, RICHARD N. KENDER, WILLIAM	)	
E. KLITGAARD, KENNETH F. MEYERS,	)	
MATTHEW E. MONAGHAN, DAVID Y.	)	
NORTON, and ERIC P. PÂQUES,	)	
Defendants.	)	
_____	)	

**NOTICE OF FILINGS IN RELATED CASE**

Lead Plaintiffs San Antonio Fire & Police Pension Fund and El Paso Firemen & Policemen's Pension Fund ("Plaintiffs"), by and through undersigned counsel, hereby respectfully file this notice to inform the Court of the status of a related action.

On March 1, 2019, a related action was filed against Defendants Syneos, Macdonald, and Rush in the United States District Court for the District of New Jersey ("New Jersey Action").<sup>1</sup> In the New Jersey Action, the plaintiff seeks to expand the class period from this action and represent the same class members that Plaintiffs represent in this action. *See* Exhibit A [ECF No. 1].<sup>2</sup>

On March 28, 2019, Plaintiffs filed a motion to intervene ("Motion") in the New Jersey Action and to transfer the New Jersey Action to this Court for consolidation with this action. *See* Exhibit B [ECF No. 6].<sup>3</sup> On April 22, 2019, the plaintiff in the New Jersey Action filed an opposition to Plaintiffs' Motion, arguing that intervention, transfer, and consolidation were all improper. *See* Exhibit C [ECF No. 9]. On the same day, Syneos filed a response, arguing that the New Jersey Action should be dismissed or, alternatively, transferred to this Court. *See* Exhibit D [ECF No. 12]. On April 29, 2019, the plaintiff in the New Jersey Action filed a reply to Syneos's response, arguing that dismissal and transfer were both inappropriate. *See* Exhibit E [ECF No. 14]. On the same day, Plaintiffs filed a reply ("Reply"), reiterating that the New Jersey Action overlaps with this action and must be transferred and consolidated with this action.

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<sup>1</sup> Defendants in the instant action are Syneos Health, Inc. f/k/a INC Research Holdings, Inc. ("Syneos" or "Company"), Alistair Macdonald ("Macdonald"), Gregory S. Rush ("Rush"), Michael A. Bell, Robert Breckon, David F. Burgstahler, Linda S. Harty, Richard N. Kender, William E. Klitgaard, Kenneth F. Meyers, Matthew E. Monaghan, David Y. Norton, and Eric P. Pâques (collectively, "Defendants").

<sup>2</sup> Each exhibit attached hereto is from the docket: *Murakami v. Syneos Health, Inc.*, No. 3:19-cv-07377 (D.N.J. 2019).

<sup>3</sup> The exhibits attached hereto include the briefing from Plaintiff's Motion but not the voluminous exhibits to that briefing.

See Exhibit F [ECF No. 13]. Indeed, the statute provides for consolidation of competing class actions and the appointment of a lead plaintiff to represent the interests of the class members in that consolidated action, and this Court has already appointed Plaintiffs to fill that role. See ECF No. 20; *see also* 15 U.S.C.A. §78u-4. Nonetheless, on April 30, 2019, the plaintiff in the New Jersey Action filed a motion for appointment as lead plaintiff. See Exhibit G [ECF No. 15].

As explained in Plaintiffs’ Motion and Reply, there is no basis for the New Jersey Action to continue or for a separate lead plaintiff to be appointed. The New Jersey Action has claims, defendants, and class members that overlap with this action. See Exhibits B, F. The New Jersey Action focuses on an ongoing Investigation by the Securities and Exchange Commission (“SEC Investigation”) that involves Syneos’s revenue accounting policies and documents for the period ***beginning with January 1, 2017***, and Plaintiffs here allege that Syneos made misleading statements when, on May 10, 2017, Syneos first released its financial results for the financial quarter ***beginning January 1, 2017***. See Exhibit F at 11.<sup>4</sup>

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<sup>4</sup> Defendants’ Response to Plaintiffs’ Notice of Recent Events [ECF No. 73] (“Defendants’ Response”), as filed on March 22, 2019, does not alter the SEC Investigation’s connection to this case or the need for the New Jersey Action to be consolidated with this action. Defendants’ Response conflates the Company’s internal investigation (“Internal Investigation”) with the separate SEC Investigation into the Company’s revenue practices. Although the Internal Investigation has concluded, the SEC Investigation – which overlaps with Plaintiffs’ allegations – remains ongoing. See Exhibit F at 8-11. Thus, once the New Jersey Action is transferred, consolidation with this case would be appropriate so that Plaintiffs can fully litigate the results and implications of the SEC Investigation and, if necessary, amend the Complaint to address any material developments.

DATED: May 23, 2019

**BLUE LLP**  
DHAMIAN BLUE  
(NC State Bar No. 31405)

*s/ Dhamian Blue*

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**CERTIFICATE OF SERVICE**

I, Dhamian Blue, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and papers copies will be sent to those indicated as non-registered participants on May 23, 2019.

*s/ Dhamian Blue*

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